



**GUIDELINES FOR
ADVISORY COMMITTEES**

**Produced by the
Ministries Council**

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These guidelines are provided by the Ministries Council and the Legal Questions Committee under the Vacancy Procedure Act 2003 (section 33). Advisory Committees are required to consult them and only to depart from them with due cause and having consulted with their presbytery's Vacancy Procedure Committee.

All legal references are to the Vacancy Procedure Act 2003, unless otherwise stated. These present guidelines should be read in conjunction with the Vacancy Guidelines for Kirk Sessions & Interim Moderators and the Guidelines for Nominating Committees.

These guidelines were introduced in May 2016, drawing on the previous guidelines for Interim Moderators and Nominating Committees.

1. The Advisory Committee

When the Presbytery becomes aware that a vacancy has arisen or is anticipated, the Presbytery Clerk will take steps to appoint a Vacancy Procedure Committee (VPC). In practice, the VPC may be a standing committee of the Presbytery overseeing all vacancies. The role of the VPC is to oversee decisions about readjustment or leave to call under the Presbytery Plan, as described in sections 1-11 of the Act.

One of the initial tasks of the VPC is to appoint an Advisory Committee (s.1(2) of the Act). The Act requires this to be done in all vacancies, and the Committee's advice should be available to any vacant congregation. However, in terms of the Act, the main role of an Advisory Committee is to assist a congregation once it has been given leave to call, and the nature of that call has been determined.

The Advisory Committee ("the Committee") will consist of three persons, at least one being a minister and at least one being an elder. There is no requirement for them to be members of Presbytery. If you are asked to serve on an Advisory Committee, you should ensure that you don't have any conflict of interest. That means you shouldn't have any close personal connection with the congregation or with its previous ministry. If you are a minister, you should have no thoughts of applying for the vacant charge yourself. If you have any doubts of your ability to act impartially, or to be seen to do so, you should discuss these with the Presbytery Clerk or the VPC without delay.

The Committee is there to act as support committee to the congregation. Under the Act there are a number of times where it will be required to meet with the Kirk Session or Nominating Committee, but it should see its role as being one of general support. The Committee should be available to meet with the Kirk Session or a Nominating Committee at any time when they request advice – or indeed the Committee itself can request such a meeting should it have any concerns.

Under normal circumstances any meetings with the Committee should involve the entire Kirk Session or Nominating Committee. However, section 13 (2) of the Act provided that *"In the case of charges which are in the opinion of the Presbytery remote, it will be adequate if the Interim Moderator (accompanied if possible by a member of the Nominating Committee) meets with the Advisory Committee"*. If there are doubts as to whether this applies, or other unavoidable extraordinary circumstances, you should consult the VPC.

Normally, all three members of the Committee should be at meetings and involved in decisions. However, the Act s.13(2) allows that *"In the event of the indisposition or unavoidable absence of no more than one member of the Advisory Committee, the Advisory Committee may continue its work"*.

The Tasks of the Advisory Committee

2. Before the Nominating Committee is elected

If a Congregation has been given leave to call, then one of the first things to happen should be that the Committee meets with the Kirk Session. In any event, this must be done before a Nominating Committee is elected, and indeed before the Kirk Session takes any steps to arrange for its election.

At that meeting the Committee has a role in guiding the Kirk Session's consideration of the future shape of ministry. Although it is the Nominating Committee and not the Kirk Session that will select the nominee, it is the Kirk Session that draws up the parish profile, which should indicate to applicants not just the situation of the congregation but its vision for the future.

2a. The Parish Profile

S 13(2a) of the Act stipulates that the Committee shall assist the Kirk Session to: *“Consider together in the light of the whole circumstances of the parish or parishes i) what kind of ministry would be best suited to their needs, (ii) the finalising of the profile which has been prepared in accordance with Section 12”*.

As far as the profile is concerned, section 12 of the Act stipulates: *“the Kirk Session(s) shall prepare a profile of each congregation and parish within the charge, in accordance with the template published in the Guidelines for Kirk Sessions. In the case of a linked charge, this shall take the form of a single document, with separate sections for each constituent congregation. In all cases the profile shall contain, as an appendix, a copy of the most recent report on each constituent congregation produced under the auspices of Local Church Review. The draft profile(s) shall then be submitted to the Advisory Committee, prior to its meeting with the Kirk Session(s) (Section 13(2)(a)), for possible comment and revision”*.

Further guidance on the profile will found in the Guidelines for Kirk Sessions and Interim Moderators, and you should be familiar with these. In general, you will want to assist the Congregation in providing the type of information that candidates are likely to find helpful in understanding the nature of the charge and how the Kirk Session envisage the future – rather than a rehash of irrelevant history.

In particular, you may wish to guide the congregation to consider what support it will offer to any new minister. How does it envisage working with its new minister? If there have been evident problems with the previous ministry, this may be a useful time for the Kirk Session to consider its part in avoiding any repetitions.

2b. The Election of the Nominating Committee

S13(iii) of the Act states that the Committee shall consider with the Kirk Session *“which system of election of the Nominating Committee described in section 15(2)(e) hereunder shall be used”*.

You should ensure that the Kirk Session is familiar with the whole process of electing a Nominating Committee (found in section 15 of the Act). In particular, the Kirk Session should be aware of how the list of persons disqualified from serving on a Nominating Committee (section 15.2(c)) might apply in their circumstances. However, your main task is to ensure that the Kirk Session decides whether, in the event of there being more persons nominated to serve than there are places on the Nominating Committee, the election should be by standing or by secret ballot. The two processes are outlined in section 15(2)e, but it is for the Kirk Session to agree the details and mechanics.

You should also remind the Kirk Session that once the Nominating Committee has been chosen, it must not interfere with the process or request updates. It may be helpful to emphasise the confidential nature of the process, and why it must be so. You should, however, encourage all elders to be aware of how the process works, so that they are able to answer questions from the congregation, and especially those who may be put forward for election to the Nominating Committee. It may be helpful if the Ministries Council's document *Guidelines for Nominating Committees* is made available to all elders, and they are encouraged to be familiar with it. This can be found on the Ministries Council's resources pages on the Church of Scotland website, at http://www.churchofscotland.org.uk/resources/subjects/ministries_resources

The *Ministers and Deacons in Civil Partnerships and Same Sex Marriages Act 2015* stipulates that after the Advisory Committee have met with the Kirk Session, but before the election of the Nominating Committee (and only in that period), it is open to the Kirk Session to consider whether to depart from the historic and current practice of the Church and to allow the Nominating Committee to consider applications from Ministers in civil partnerships and same sex marriages. You should make the Kirk Session aware of this option, but should not seek to influence its decision in any way.

3. The Nominating Committee and the Advisory Committee

The Act states at 13(2b) that the Committee should meet *"with the Nominating Committee before it has taken any steps to fill the vacancy, to consider how it should proceed"*.

The purpose of this meeting is to advise the Nominating Committee on the best way to proceed with the process of finding the right minister for the charge. Advice is also available for the Nominating Committee in the guidelines that are produced by the Ministries Council and Legal Questions Committee, and you should ensure both you and the Nominating Committee are familiar with these.

After six months of a Nominating Committee considering any candidates, it is open for the Kirk Session to apply to allow applications from ministers who are nationals of countries furth of Europe, as long as there have been no applications from within Europe, or any such applications have been deemed to be unsuitable. This process is governed by Section 26A of the Act. In the unusual eventuality of such an application being made, 13(2c) of the Act stipulates that it is the task of the Advisory Committee to meet with the Kirk Session to ensure that the requirements of that section are fulfilled.

The Advisory Committee should always be available to meet the Nominating Committee at any other time at its request, and the Advisory Committee should itself request to meet with the Nominating Committee should it have any concerns.

4. After a Nominee is Chosen

Once the Nominating Committee has decided on a nominee, and the candidate has indicated a willingness to accept nomination, the first duty of the Nominating Committee will be to report to the Advisory Committee (section 13(c)), who shall satisfy themselves that processes have been followed properly. Only once this report has been satisfactorily made should the name of the nominee be made known to the Kirk Session and Presbytery. This does not necessarily require a meeting: under the Act, both the report on the process and the Committee's acceptance of it may be done by electronic means (email, telephone call). The purpose is simply that if anything has occurred which gives rise to concern, the Committee is able to advise before matters become public.

5. Failure to Nominate

The Nominating Committee has two years in which to complete its work (calculated from the time leave to call was given by the Presbytery, not from the date that the Nominating Committee was elected). Well before the end of that period, if no nominee has been elected, the Advisory Committee should arrange to meet with the Nominating Committee to discuss progress.

Once the two year period has expired, if no nomination has been made, a number of options are open to the Presbytery (see section 27 of the Act). The Presbytery may: (a) decide to reopen the question of readjustment; (b) grant an extension of the leave to call; (c) instruct that a fresh Nominating Committee should be elected; or (d) take steps to make an appointment itself.

The Advisory Committee should be in a position to offer some advice to the Presbytery in making this decision. Specifically, in its discussions with the Nominating Committee, the Advisory Committee may form a view as to whether the failure to nominate has been due to a lack of applicants, or weaknesses within the Nominating Committee itself, and as to whether increased time, or the election of a fresh Nominating Committee, is likely to produce a nominee.

If the Presbytery decides to grant an extension, the Nominating Committee may benefit from further advice from the Advisory Committee. If the Presbytery decides to call for the election of a new Nominating Committee, then the role of the Advisory Committee begins afresh with the new Nominating Committee.

If the Presbytery takes the (fairly unusual) decision to take steps to make an appointment itself, then the role of the Advisory Committee significantly changes. In such cases, section 27(d) of the Act states: *The Presbytery shall discharge the Nominating Committee, strengthen the Advisory Committee which had been involved in the case by the appointment of an additional minister and elder, instruct that Committee to bring forward to a subsequent meeting the name of an eligible individual for appointment to the charge and intimate this instruction to the congregation. If satisfied with the recommendation brought by the Advisory Committee, the Presbytery shall thereupon make the appointment.*

6. Sustaining the Call

The final role for the Advisory Committee can be in the decision to sustain the call. Section 27 of the Act leaves it to the VPC to sustain the call. However, if the matter does come before Presbytery and there is discussion of whether or not to sustain the call, the Advisory Committee is entitled to be heard by the Presbytery or, indeed, it may be asked to submit a report.

Once the new minister is inducted, the Advisory Committee's work comes to an end, and it is thanked and discharged by the Presbytery.

APPENDIX 1

SOME POSSIBLE TOPICS FOR DISCUSSION BETWEEN THE ADVISORY COMMITTEE FROM PRESBYTERY AND THE KIRK SESSION AND NOMINATING COMMITTEE

These meetings should be chaired by the Interim Moderator. The outgoing minister must not be present. The Vacancy Procedure Act 2003 provides basic guidance on the conduct of a vacancy – it could be used in preparation for these meetings.

MEETING WITH THE KIRK SESSION

- 1) The role of the Kirk Session during the vacancy.
- 2) The Electoral Register – its form and those who are eligible to appear on it.
- 3) The Manse – has the Manse Condition Schedule been completed? Has it been surveyed? What work is required? When will this be done? Can it be paid for? The Presbytery's Fabric Committee should now be involved in an inspection and, where necessary, in giving advice. Remember: Unsuitable Manse should equal No New Minister.
- 4) The Church Buildings – are there major fabric problems? If so these must be explained to those enquiring about the vacancy. Emulsion paint is not a recognised treatment for dry rot.
- 5) Pulpit Supply and Expenses – relevant amounts set out in last Stipend Statement. These should be paid with courtesy and tact on the day when the pulpit is supplied.
- 6) Schedules and intimations which have to be read and signed.
- 7) Profile of Parish and Congregation. If this is to hand it could be examined. This profile must be accurate and honest!
- 8) Stewardship – this should not be left for the new minister to tackle. Now is the time to act.
- 9) The Session must support their new minister.

WITH THE NOMINATING COMMITTEE

- 1) This is a spiritual task of the utmost importance – it demands total commitment.
- 2) Confidentiality must be observed at all times and places – including the home. All meetings of the Committee are strictly private, as are the minutes of such meetings. All the Committee's minutes and papers should be given to the Presbytery Clerk before the induction. They will be destroyed after the new minister is inducted.
- 3) Follow the regulations in the Vacancy Procedure Act – there is no other way.
- 4) All members of the Nominating Committee should be provided with a copy of the Parish Profile and should become familiar with its contents.
- 5) Where to advertise the vacancy? What should be provided to each enquirer? The importance of consistency in assessing the candidates. Referees – their reliability and usefulness, the assessment of references. The proprieties of visiting the applicant's present church. Interviews and the importance of knowing in advance the questions which are to be asked.
- 6) The Committee should prepare a list of questions to be used with every candidate.
- 7) The Committee has no right to interview the prospective minister's spouse.
- 8) The manse must be ready and the Stipend agreed before a minister can be inducted.
- 9) The invitation to be Nominee should be unanimous if possible. If not, the majority should be large. It is always possible, and sometimes desirable, to start again.
- 10) When a Nominee has been agreed, the unsuccessful applicants should be told as soon as possible.